

Martha Dziwlik  
July 11, 2023

1

UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF INDIANA

JOHN DOE,	)
	)
Plaintiff,	)
	)
VS.	) Civil Action No.
	) 1:22-cv-01828-SEB-MG
BUTLER UNIVERSITY,	)
	)
Defendant.	)

The oral deposition of  
MARTHA DZIWLICK,  
taken by counsel for the Plaintiff on the 11th  
day of July, 2023, via Zoom, before Heather S.  
Orbaugh, Notary Public in and for the County of  
Boone, State of Indiana, CCR: LA.

FILLENWARTH REPORTING SERVICE  
775 Hummingbird Lane  
Whiteland, Indiana 46184  
(317) 345-6179  
vfillenwarth@gmail.com

Fillenwarth Reporting Service  
317.345.6179

Martha Dziwlik  
July 11, 2023

2

A P P E A R A N C E S

FOR PLAINTIFF:

Mr. Jonathan Little  
SAEED AND LITTLE, LLP  
8777 Purdue Road  
Suite 226  
Indianapolis, Indiana 46268

FOR DEFENDANT:

Ms. Liberty Roberts  
CHURCH CHURCH HITTLE & ANTRIM  
10765 Lantern Road  
Suite 201  
Fishers, Indiana 46038

Martha Dziwlik

July 11, 2023

14

1 A No.

2 Q Okay. Does Butler -- you mentioned  
3 Butler hosting trainings, did Butler provide the  
4 materials or did outside trainers provide the  
5 materials?

6 A The one that I attended that I remember,  
7 the organization that came in provided the  
8 materials. I believe Butler paid for them, but  
9 they were provided to all of us.

10 Q Do you remember approximately when that  
11 was?

12 A That one was back in 2014.

13 Q Okay. Has Butler, if you know, done any  
14 trainings since 2019 or 2020?

15 A I can't tell you for sure.

16 Q All right. Have you had any other  
17 specific trainings in Title IX that you can  
18 recall that we haven't discussed?

19 A I know there are other programs that I  
20 participated in, but to give you the names and  
21 dates, I can get you that. I have it, I just  
22 don't have it with me. So I know I did  
23 participate in other trainings.

24 Q That would be great if you could get  
25 that. Just give it to Libby and we will request

Martha Dziwlik  
July 11, 2023

15

1 it.

2 Has Butler ever had any trainings that  
3 you remember specifically for Butler employees  
4 about Butler's Title IX policy?

5 A Yes, and that is provided by the Title IX  
6 coordinator.

7 Q So when did Maria Kanger take over as  
8 Butler's Title IX coordinator?

9 A Maria never reported to me in that role  
10 so I don't know when she started. I know, you  
11 know, when we intersected and at one point in  
12 fall of '21 she began reporting to me in the  
13 Assistant Dean of Students role, which was  
14 student conduct, but she was still reporting to  
15 Dr. Frank Ross in her role as Title IX  
16 coordinator.

17 Q So Maria never reported to you in her  
18 Title IX role?

19 A Correct.

20 Q And she reported to Dr. Frank Ross you  
21 said?

22 A Correct.

23 Q Did she report -- do you know, did Maria  
24 ever report to the general counsel in her Title  
25 IX role? Was that ever --

Martha Dziwlik

July 11, 2023

16

1 A I don't believe so.

2 Q Dr. Frank Ross, is he still at Butler?

3 A He is. He is the Vice President of  
4 Student Affairs.

5 Q Who does he report to?

6 A The president, James Danko.

7 Q What did you do to prepare for today's  
8 deposition?

9 A I spent a long time reviewing all of my  
10 communications with the student, his parents, all  
11 of my E-mails. I created a timeline to refresh  
12 my memory on everything that's happened that I  
13 intersected with. I talked to our Director of  
14 Residence Life who reports to me, Shannon  
15 Mulqueen, as it relates to more information on  
16 residence life and the mediation process,  
17 anything to do with roommates.

18 At the time of this incident or when this  
19 went on, I was not in charge of residence life  
20 and there was a different director of residence  
21 life so I wanted to familiarize myself with that  
22 information.

23 Q You mentioned you made a timeline?

24 A I did.

25 Q Can you -- is that something you could

Martha Dziwlik  
July 11, 2023

17

1 get to Libby?

2 A I can.

3 Q Okay. Great. Did you review any other  
4 documents that you haven't already mentioned?

5 A No, it was everything that I provided to  
6 Libby or that's been provided or requested that  
7 has to do with this, so probably anything that  
8 was in my E-mails. If there were attachments or  
9 any documents, it would be what was in there.

10 Q So you mentioned E-mails, did you E-mail  
11 with [REDACTED] about this case?

12 A We had a couple E-mails, minimal.

13 Q What about his mother?

14 A I had several phone calls with her and I  
15 know of at least one E-mail and she left me one  
16 voicemail that I am aware of.

17 Q Let's talk about the phone calls with his  
18 mother, do you remember how many phone calls you  
19 had with [REDACTED]?

20 A I am aware of two and she called our  
21 office on Tuesday, March 9th, the Dean of  
22 Students Office, to report a concern just  
23 generally. It wasn't to seek me out, it was to  
24 call our office and say she was concerned, she  
25 wanted a welfare check for her son.

Martha Dziwlik

July 11, 2023

18

1 Q Okay.

2 A I spoke with her that morning and then I  
3 spoke with her and her husband later that day.

4 Q Those were the two phone calls you  
5 remember?

6 A Yes.

7 Q So March 9th, were those -- can you take  
8 a look at Exhibit 2 just for --

9 (Exhibit 2 marked.)

10 MS. ROBERTS: I have got them  
11 printed out here, Jon, but I am not sure which  
12 one is 2. Is that the --

13 MR. LITTLE: 2 is the -- it has  
14 got a big redaction on the top of it. It is a  
15 March 10 E-mail.

16 MS. ROBERTS: Okay.

17 MR. LITTLE: March 10, 2021. It  
18 has got a big redacted strip across the top,  
19 Libby, and it says from [REDACTED], copied to  
20 [REDACTED]?

21 MS. ROBERTS: Got it, yes.

22 MR. LITTLE: All right. Perfect.

23 Q So this is the day after you talked to  
24 [REDACTED] twice and her and her husband once,  
25 right?

Martha Dziwlik

July 11, 2023

19

1 A Correct.

2 Q Okay. When you said a welfare check,  
3 does Butler do welfare checks?

4 A We can. So a student -- a welfare check  
5 is generally when you are worried enough about  
6 somebody's safety, if it is to that point, we  
7 would send somebody from Butler Police.

8 Q Okay. Do you know if Butler did that in  
9 this case?

10 A Well, because I called her back and we  
11 had a conversation, she didn't feel like it rose  
12 to that level, so at that time Butler Police did  
13 not do one.

14 Q Okay. What else do you recall about the  
15 conversation you had just with [REDACTED] first?

16 A Well, she called and asked about the  
17 welfare check, we talked about 30 minutes, and I  
18 explained that a welfare check would involve  
19 Butler Police Department going to check on him in  
20 his room if she was concerned for his safety and  
21 she said that was not needed at the time which is  
22 why we didn't send an officer to his room.

23 She said that last week her son had had a  
24 conversation with his RA and a number of other  
25 students and he was told that they didn't

Martha Dziwlik  
July 11, 2023

20

1 understand his signals, whatever that meant was  
2 what she explained.

3 He had talked with his RA, he had run  
4 into some current roommates that day and one of  
5 those roommates told [REDACTED] that he had talked to  
6 the Dean of Students multiple times and to the  
7 police. She said [REDACTED] was totally devastated and  
8 had no idea what had happened or what he had  
9 done. His mom asked him multiple questions about  
10 did you rape her, did you talk about her body?  
11 He told his mom that they had made out once last  
12 year but that he said, no, he did not rape her.

13 She said he has zero idea what he did.  
14 She said he is in his room, he is not eating, he  
15 doesn't know what this thing is that he did and  
16 he is not putting it together. She asked me  
17 directly if I had met with this roommate,  
18 [REDACTED], multiple times. I confirmed I met with  
19 her once and she asked me if her son's name came  
20 up and I told her we didn't discuss her son and I  
21 couldn't share any more with her about the  
22 conversation because of FERPA. She said she  
23 understood that.

24 And then I also explained I needed [REDACTED]'s  
25 permission to have more detailed conversations

Martha Dziwlik  
July 11, 2023

21

1 with her about anything because it was his  
2 student record. She said she understood that and  
3 that she would talk with him about getting that  
4 permission granted.

5 Q So I have got to ask you, did you just do  
6 all that from memory or do you have some notes in  
7 front of you?

8 A You asked me what I did to prepare, this  
9 was part of -- I had this, I wrote this a long  
10 while ago and so as a summation to keep current  
11 of what was going on, so I had written this.

12 Q Okay. Is that something you can make  
13 sure you give a copy to Libby?

14 A Absolutely.

15 Q Okay. All right. So you talked to  
16 [REDACTED] and then you talked to her later in the  
17 day; is there anything about the conversation  
18 later in the day that you had with her and her  
19 husband that you can recall?

20 A Sure. So I called her back and I had  
21 explained that I did have permission from [REDACTED] to  
22 talk to them. I confirmed [REDACTED] had no conduct  
23 record with the university, there were no  
24 allegations pending against him, that he was  
25 considered in good standing.

Martha Dziwlik  
July 11, 2023

22

1 I explained if there were to be  
2 allegations he would be notified, that he has  
3 rights and he could have an advisor and a conduct  
4 process. It is a very transparent process, they  
5 could read about it in the student handbook, and  
6 I also shared that students can contact BUPD,  
7 Butler Police, if they needed to as a resource.

8 I encouraged the parents to talk with him  
9 and have [REDACTED] walk them through the meeting that  
10 took place with the residents and the RAs. And  
11 they had told -- they said he told them but he  
12 still just didn't know what he did. And then I  
13 have probably 12 bullet points of quotes that I  
14 took; do you want me to read those to you?

15 Q Yes, please.

16 A Okay.

17 Q These are quotes from who?

18 A These are quotes from the parents.

19 Q Okay.

20 A I was taking notes as I was talking to  
21 them. So these are all quotes. "This is  
22 frightening and scary. It is threatening and  
23 troubling that [REDACTED] would bring up these  
24 accusations that she has met with Martha a few  
25 times. They can't get away with this," Mom said

Martha Dziwlik  
July 11, 2023

23

1 in reference to what [REDACTED] had done in telling  
2 him, [REDACTED], that she had talked with the police  
3 and the dean.

4 "I am aware of the 'me too' thing," Mom  
5 offered.

6 "He is the victim," parents both shared  
7 that statement.

8 [REDACTED] was described as, quote, "incredibly  
9 sensitive, not that resilient, and being abused  
10 in this situation," unquote.

11 The parents asked, quote, "Are some  
12 people undertaking a campaign to make his life  
13 miserable," unquote.

14 They considered this, quote, "super  
15 unnerving what [REDACTED] said and they want to get to  
16 the bottom of it," unquote.

17 "He tried to talk to his RA the night  
18 before who encouraged him to, quote, let the dust  
19 settle."

20 Dad said, "He," [REDACTED], "is, quote, very  
21 rational." Mom said he is, quote, "not  
22 rational."

23 [REDACTED] is, quote, "incapable of aggression  
24 even when warranted," unquote.

25 Quote, "This is an incredible attack on

Martha Dziwlik  
July 11, 2023

24

1 his character."

2 Quote, "His character is assailed with no  
3 recourse."

4 Quote, "He is not getting information he  
5 can understand and wants to be pulled into the  
6 conversation."

7 Quote, "He is such an outlier, naïve, and  
8 has so much to learn."

9 Quote, "His friends clobbered him."

10 So in response to that conversation I  
11 told them that I needed some time to gather more  
12 information and I would get back to them when I  
13 was able with an update. They asked if I would  
14 please reach out to [REDACTED] to hear his side of the  
15 story and help him understand. I told them I had  
16 his contact information if that was needed.

17 After a phone call and later that night I  
18 received two E-mails from [REDACTED], one was to his  
19 professors asking for accommodations and copying  
20 me. I replied and told him that we needed to  
21 talk before those requests were made. He  
22 E-mailed me back and apologized. And the second  
23 E-mail was to Bridgette Bussey, the then Director  
24 of Residence Life requesting a room change.

25 Q Okay. So that is the same night, March

Martha Dziwlik  
July 11, 2023

25

1 9th, right? The evening of March 9th?

2 A Correct.

3 Q Okay. What did you do in an attempt --  
4 did you attempt to gather more information?

5 A My conversation with him was around 8:00  
6 o'clock at night, and when I wrote him back and  
7 said, "I am just reading this, you copied me,"  
8 and when I wrote him back, I copied the faculty  
9 because I wanted them to be aware that I had not  
10 requested this accommodation and I didn't know  
11 anything about it, because prior to contacting  
12 faculty I would always want to talk to the  
13 student to understand what was going on.

14 So I sent that replay to him, I copied  
15 the faculty, never heard back from the faculty at  
16 that point but it was evening, and then he wrote  
17 back, [REDACTED], and said he was sorry about E-mailing  
18 them before we had met, he had never done  
19 something like this and he hoped we could talk  
20 soon. And that was the last communication we had  
21 that Tuesday night.

22 Q Can you take a look at Exhibit 3?

23 (Exhibit 3 marked.)

24 MS. ROBERTS: I am sorry, I don't  
25 have them labeled.

Martha Dziwlik  
July 11, 2023

26

1 MR. LITTLE: Oh, yes, sorry. It  
2 is the E-mail, it is redacted again at the top,  
3 but it is I believe -- it is from [REDACTED] on April  
4 5, 2021, from Martha to [REDACTED].

5 A Yes.

6 Q All right. So there is a March 9  
7 correspondence about --

8 A Correct.

9 Q -- accommodations? And that's not what  
10 is in Exhibit 3, correct?

11 A Exhibit 3 is the April 5 E-mail.

12 Q So did [REDACTED] ask twice again about -- did  
13 [REDACTED] ask on March 9 for accommodations and on  
14 April 5 for accommodations?

15 A On March 9 he said let's meet.

16 Q Okay.

17 A He reached out to his faculty on his own  
18 and at his parents' request I found out, their  
19 urging, requesting accommodations. I reached out  
20 and said, hey, we need to talk first and that was  
21 Tuesday night. Wednesday he met with counseling  
22 services and came to the determination to go  
23 home. On Thursday -- either Wednesday night or  
24 Thursday he left and went home to Seattle.

25 And so I had no more communication with

Martha Dziwlik  
July 11, 2023

27

1 him at that point because by Thursday his mom had  
2 contacted Butler Police and was alleging stalking  
3 and so the case or the information was forwarded  
4 to Maria Kanger, the Title IX coordinator at the  
5 time to look at it through that lens and I was no  
6 longer running point on that, she was, and so I  
7 was waiting for instruction.

8 Q So after March -- after Thursday, March  
9 11, you were waiting for instructions from Maria?

10 A Well, from the student. So what would  
11 happen is we can talk with students at any time  
12 for any reason when they feel -- they believe  
13 they are entitled to some sort of accommodation.  
14 And so Maria during that time, I am going to call  
15 it a month, from like March 9 to April 5, she was  
16 having conversations with him.

17 So if there was a need for an  
18 accommodation based on her process or the  
19 university's sexual misconduct process, that  
20 would be something she would be aware of and  
21 addressing, and it wasn't until April 5 that she  
22 circled me into an E-mail with [REDACTED], which I  
23 think you have a copy of, saying we are to the  
24 point that we need to ask Martha for an  
25 accommodation, and it was an E-mail to me and

Martha Dziwlik  
July 11, 2023

28

1     [REDACTED] from Maria. And I got that on April 5 and I  
2     sent the request on April 6 to the faculty.

3     Q       And did [REDACTED] ultimately receive  
4     accommodations after April 6?

5     A       Yes. And he may have received them  
6     during the interim. Students can contact faculty  
7     whether I am involved in it or not for any sort  
8     of accommodation because we really encourage that  
9     student advocacy. So it is possible he was  
10    getting accommodations prior to Maria asking me  
11    to formally ask.

12    Q       Okay. Do you know if Butler gave  
13    accommodations to [REDACTED]?

14    A       I do not know.

15    Q       Who would know that?

16    A       If the request was made, it would be  
17    through Maria Kanger. So if somebody was looking  
18    for an academic accommodation, if it gets to the  
19    point that there is a hearing, a Title IX  
20    hearing, I would be the person that would send a  
21    request for like the day of the hearing to excuse  
22    the student from classes. So I can go back and  
23    check and tell Libby if I sent one on [REDACTED]'s  
24    behalf for when that hearing ultimately did take  
25    place.

Martha Dziwlik  
July 11, 2023

29

1 Q That would be great. Thank you for doing  
2 that. Let's go back to you said there was a  
3 stalking allegation by [REDACTED]'s parents that was  
4 sent to Butler PD and Maria, correct?

5 A What I am aware of is that the Thursday,  
6 March 11, Assistant Captain Sweeney, Diane  
7 Sweeney, and Butler Police reached out to me to  
8 let me know that she had been contacted or there  
9 was a voicemail from [REDACTED]'s mom to dispatch and  
10 it alleged something about stalking. It was a  
11 vague message.

12 And so Diane in her role called the mom  
13 back, left a message and said let's talk, and  
14 then never heard back from the mom. I  
15 acknowledged that I was aware of the student and  
16 what was going on in terms I just had been made  
17 aware of this and that it was being handled  
18 through Title IX initially. So Captain Sweeney  
19 was going to connect with Maria.

20 Q So did Maria exclusively have -- well,  
21 who had authority to initiate a Title IX  
22 investigation at Butler in the spring of 2021?  
23 Like who said, okay, this is going to be  
24 investigated? Is that just Maria?

25 A That would be Maria, yes.

Martha Dziwlik  
July 11, 2023

47

1 you make in deciding whether or not to facilitate  
2 those academic accommodations?

3 A Well, it depends on the nature of the  
4 request. I am not able to tell the faculty that  
5 they have to do it, I can make the request, you  
6 know, and that we really advocate for students to  
7 advocate for themselves to have follow-up  
8 conversations with the faculty.

9 And so depending on, like I said, if it  
10 is, hey, there is a test tomorrow morning,  
11 absolutely we need to stress the urgency of  
12 rescheduling that test or letting them take it at  
13 a different time, but a student could be asking  
14 for an accommodation that is not -- I would know  
15 that is not going to be a problem and so that we  
16 need to have a conversation prior -- that I  
17 wouldn't make a request for that because it is  
18 not something that will be an issue.

19 Q Well, I was thinking more like, you know,  
20 student safety, student safety concern, we want  
21 to make sure that Susie doesn't run into Joey or  
22 something like that. How do you -- what factors  
23 do you consider and say, okay, well, that's, you  
24 know, she is just being a little soft, I am not  
25 going to do that versus like, okay, that's really

Martha Dziwlik  
July 11, 2023

48

1 something I need to look at? I was looking more  
2 for the factors.

3 A Okay. So if it is a student safety or  
4 there needs to be a no contact, that is done  
5 prior to coming to me from the Title IX  
6 coordinator, so I don't have a role in a no  
7 contact order in a case of Title IX. The  
8 coordinator would -- so if two students, for  
9 example, were in the same class, there would be a  
10 no contact order issued for both of them. And if  
11 a student actually had to be moved out of that  
12 class, the Title IX coordinator would probably  
13 work with the registrar to literally find out  
14 what other section is available. So that is  
15 determined by the Title IX coordinator.

16 Q Got it. So the Title IX coordinator does  
17 have a lot of authority to go and facilitate some  
18 of these accommodations on their own?

19 A Yes, I would say at the higher level when  
20 you are actually talking about leaving a student  
21 out of a classroom, that is not a common  
22 accommodations request. Usually it is a student  
23 participating and they are just stressed out and  
24 they are having trouble focusing, that would come  
25 from me because it is a general request to

Martha Dziwlik  
July 11, 2023

49

1 faculty that doesn't identify the student is  
2 going through that process.

3 Q Okay. But for a major thing like a class  
4 splitting, that would probably identify the  
5 student as going through the process then and  
6 that would have to be --

7 A It could, but if the Title IX coordinator  
8 is working with the registrar, that's different  
9 than talking to the actual faculty member, you  
10 know, because it doesn't -- the registrar hearing  
11 that is different than the faculty member, but it  
12 could.

13 Q Okay. Let's talk about mediations. What  
14 are mediations about at Butler in the resident --

15 A In Residence Life?

16 Q Yes, please.

17 A So mediations are conducted by resident  
18 assistants, the undergraduate resident assistants  
19 typically with roommates or groups of people  
20 living in a pod, residents prior to ever  
21 considering a room move or -- well, prior to  
22 doing a room move. So that's what happens, they  
23 have a mediation with the parties involved.

24 Q So prior to room moves, there is always a  
25 mediation; is that a true statement?

Martha Dziwlik  
July 11, 2023

50

1       A           That is a true statement, unless  
2       somebody's safety is on the line and we need to  
3       move somebody to a safe space until we figure out  
4       what's going on.

5       Q           And is there any training given to these  
6       undergraduate mediators?

7       A           Yes. So all resident assistants are  
8       required to go through a five to six to seven-day  
9       training period, formal training period in August  
10      prior to the start of classes, and then those  
11      hired mid-year go through the same training, it  
12      is repeated in January.

13      Q           Where could I get a copy of the training  
14      provided to the mediators in the 2020-2021 school  
15      year?

16      A           I could go back and talk to our Director  
17      of Residence Life and get you a copy of that. I  
18      know that there is a session on mediation that  
19      everybody is required to complete, they have to  
20      take a -- there is an RA test that covers all the  
21      modules and so the RAs would have to pass all of  
22      those as a written exam. It is online but I mean  
23      it is an exam.

24      Q           Who is the person you would talk to to  
25      get a copy of that?

Martha Dziwlik  
July 11, 2023

51

1 A Shannon Mulqueen is the Director of  
2 Residence Life.

3 Q And you talked to Ms. Mulqueen to prepare  
4 for this deposition today?

5 A I did.

6 Q What did you and her talk about?

7 A We talked about I wanted to get the dates  
8 of the RA training that took place for the two  
9 RAs that were involved in this process, so we  
10 talked through that.

11 Q What were those dates?

12 A There was one in August, August 9-15,  
13 2020, it was all virtual because of the Pandemic.  
14 And then there was another one January 11 through  
15 13, 2021.

16 Q If you could get the copies of those  
17 trainings, those are the ones -- the mediation  
18 portions of those trainings, those are the ones I  
19 would like to see.

20 A Okay.

21 Q And then what else did you and  
22 Ms. Mulqueen talk about?

23 A She was the assistant director at the  
24 time, so Bridgette Bussey was the Director of  
25 Residence Life then so we talked a little bit

Martha Dziwlik  
July 11, 2023

52

1 about Bridgette leaving and, you know, just the  
2 logistics of this student during that time and  
3 what Shannon remembered.

4 Q Can you spell Shannon's last name?

5 A Sure. M-u-l-q-u-e-e-n.

6 Q Okay. And what did she remember?

7 A We discussed [REDACTED]'s request, initial  
8 request thinking he wanted another -- wanted to  
9 be moved rooms the week of the 9th. This was the  
10 week following the roommate mediation and Mom  
11 being involved and calling residence life pretty  
12 emphatic about this roommate change needing to  
13 happen and then what happened during that 24  
14 hours.

15 Q Okay. What did she say?

16 A The request was made on -- let's see, I  
17 talked to the parents on that Tuesday the 9th and  
18 they talked about him needing a room change, and  
19 then she called on Wednesday morning the 10th to  
20 Residence Life pretty upset saying this needed to  
21 happen and that Bridgette and I were not getting  
22 back to her quickly enough.

23 That morning we had a student die by  
24 suicide and I was directly involved with that  
25 on -- it took place on campus in a residence hall

Martha Dziwlik

July 11, 2023

53

1 so Bridgette and I were rightfully prioritizing  
2 that for two days. And so Maria Kanger reached  
3 out to the mom to say -- and to [REDACTED] -- I am your  
4 point person because right now Martha and  
5 Bridgette are consumed with this student death,  
6 so if you have questions, talk to me. So we just  
7 kind of walked back through that event.

8 Q Do you remember anything else about what  
9 Ms. Mulqueen said about the 9th and 10th and the  
10 [REDACTED] that you haven't already told us?

11 A Not that I can remember.

12 Q Okay. Going back to mediation, who  
13 decides to commence the mediation, who decides to  
14 call the mediation? Is it the RAs or --

15 A Well, it could be the students. So like  
16 in this case it was the student who went to their  
17 RA and said, hey, I want to have a mediation  
18 because I want to make sure we address these  
19 points. An RA could determine that based on  
20 hearing concerns from a roommate or some  
21 residents, hey, this is to the point we need to  
22 sit down and actually formalize this in a  
23 mediation process. So one of those two are  
24 usually the likely proponent.

25 Q So you said formalize. Are there any

Martha Dziwlik  
July 11, 2023

54

1 documents or anything generated as a result of a  
2 mediation?

3 A No. When I say formal I mean that they  
4 would have the meeting in a separate location, it  
5 wouldn't be in the hallway at night, it would be  
6 in a conference room, an academic setting, where  
7 all the people involved have to show up, the RA.  
8 The RA would take notes but those are not given  
9 to the residents afterward, they are used for the  
10 RA then to discuss with his or her or their  
11 community director, the professional staff member  
12 that lives in the building.

13 Q Okay.

14 MR. LITTLE: Let's take a  
15 five-minute break, I am going to talk to Regina  
16 and then we will decide what we are going to  
17 do, but I think we are pretty close to being done  
18 with our questions. Libby may have some  
19 questions for you.

20 MS. ROBERTS: Okay.

21 (Short recess.)

22 Q We were talking about academic  
23 accommodations, is it possible for Butler to move  
24 the complaining party's rooms? You know, like  
25 move their dorm rooms?

Martha Dziwlik  
July 11, 2023

55

1 A The complaining party's room?

2 Q Yeah, so in a Title IX situation can  
3 Butler move the complaining party?

4 A I don't know what the Title IX process is  
5 to determine who gets moved. I can't speak to  
6 that.

7 Q Okay. I guess what I am asking is for  
8 academic accommodations for students in a  
9 grievance process, is it possible for Butler to  
10 move the complaining party out of a class, for  
11 example? Like there is two students in a class,  
12 the complainant and the respondent, can the  
13 complainant be moved to a different class or is  
14 the accommodation always aimed at the responding  
15 party?

16 A I think it depends on both students'  
17 schedules. If they are in the same college, it  
18 would be very challenging because they may have  
19 the -- so the college of business, for example,  
20 they may have the same classes and then they are  
21 looking at what logistically works. So I think  
22 they would have to look at both, but I don't know  
23 what their practice is.

24 Q Okay. And on the topic of academic  
25 accommodations for students in the grievance

Martha Dziwlik  
July 11, 2023

56

1 process, is there anything else that you want to  
2 tell me?

3 A No, I am happy to answer any questions.  
4 Unless you have something specific, I am not sure  
5 what I would add.

6 Q Okay. What about on mediations, is there  
7 anything else that you would like to add or let  
8 me know?

9 A I think the mediation with [REDACTED] was  
10 thorough in that there was a lot of -- the RAs'  
11 goals were to offer support services, you know,  
12 counseling center, campus resources, and they did  
13 and he took advantage of those.

14 Q What specific services do you believe  
15 [REDACTED] took advantage of?

16 A The counseling center. They followed up  
17 with him the next day. So the RAs met, they had  
18 the mediation, and then they kept him after to  
19 make sure he was okay and talk with him and offer  
20 support services, for example, the counseling  
21 center, and he made an appointment and was there  
22 that next week.

23 Q How do you know that?

24 A Because I talked to the director of the  
25 counseling center who met with him.

Martha Dziwlik  
July 11, 2023

57

1 Q Who is that?

2 A Dr. Keith Magnus.

3 Q Okay. When did you talk to Dr. Keith  
4 Magnus?

5 A It was an E-mail during the day of the  
6 student death because we were E-mailing about  
7 that and he just said, by the way, I got  
8 permission to confirm that I met with [REDACTED] and --  
9 so it was a once -- it was an E-mail.

10 Q Okay. Did you have any other  
11 conversations with Magnus you said?

12 A It is Magnus.

13 Q Magnus?

14 A No, I did not.

15 Q All right. Is there anything else on the  
16 topic of mediation that you think I should know?

17 A I can't think of anything, no.

18 Q Okay. And then we can conclude the  
19 30(B)(6) deposition and just the same question in  
20 your personal capacity, is there anything else  
21 about this situation that you would like to tell  
22 me?

23 A I can't think of anything, no.

24 Q Okay.

25 MR. LITTLE: I don't have any

Martha Dziwlik  
July 11, 2023

58

1 other questions.

2 MS. ROBERTS: No questions.

3 MR. LITTLE: Okay. So, ma'am, you  
4 can -- Libby, do you want to have her sign?

5 MS. ROBERTS: Yes, we will take  
6 signature.

7 MR. LITTLE: Okay. That's it.

8

9 (Deposition concluded at 11:20 a.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Martha Dziwlik  
July 11, 2023

59

DEPOSITION ERRATA SHEET

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Martha Dziwlik  
July 11, 2023

62

1 STATE OF INDIANA )

2 ) ss:

3 COUNTY OF BOONE )

4

5 CERTIFICATE

6 I, Heather Orbaugh, CSR, a Notary Public  
7 in and for the County of Boone, State of Indiana,  
8 maintaining an office in Boone County, Indiana,  
9 do hereby certify the following:

10

11 That the witness herein, MARTHA DZIWLICK,  
12 was first duly sworn to tell the truth, the whole  
13 truth and nothing but the truth in the foregoing  
14 deposition;

15

16 That all testimony was taken down in  
17 stenographic notes and afterward reduced to  
18 typewritten form under my direction and then  
19 presented to counsel for the purpose of obtaining  
20 the deponent's signature;

21

22 That I recorded and transcribed any and  
23 all objections made by counsel and the reasons  
24 therefore; and

25

Martha Dziwlik  
July 11, 2023

63

1           That I am not a relative or employee,  
2           attorney or counsel of any of the parties, nor a  
3           relative or employee of such attorney or counsel,  
4           nor am I financially interested in this action.

5  
6  
7           IN WITNESS HEREOF, I have hereunto set my  
8           hand and affixed my Notarial Seal this 31st day  
9           of July, 2023.

10  
11  
12  
13  
14  
15                           Heather S. Orbaugh, CSR  
16                           Notary Public  
17                           (Electronically signed)  
18  
19  
20  
21  
22

23           Commission Number:   NP0712173

24           County of Residence:   Boone

25           My Commission Expires on:   April 4, 2026